

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

VIRGINIA WOLF and CAROL SCHUMACHER,
ROY BADGER and GARTH WANGEMANN,
CHARVONNE KEMP and KATHARINA HEYNING,

Plaintiffs,

v.

Case No. 14-CV-64

SCOTT WALKER, in his official capacity as
Governor of Wisconsin,
J.B. VAN HOLLEN, in his official capacity as
Attorney General of Wisconsin,
RICHARD G. CHANDLER, in his official capacity
as Secretary of Revenue of Wisconsin,
OSKAR ANDERSON, in his official capacity
as State Registrar of Wisconsin,
GARY KING, in his official capacity as
Eau Claire County District Attorney,
JOSEPH CZARNEZKI, in his official capacity
as Milwaukee County Clerk
SCOTT MCDONELL, in his official capacity
as Dane County Clerk,

Defendants.

**ANSWER OF THE DEFENDANT, JOSEPH CZARNEZKI,
MILWAUKEE COUNTY CLERK,
TO PLAINTIFFS' AMENDED COMPLAINT**

NOW COMES the Defendant Joseph Czarnezki, in his official capacity as Milwaukee County Clerk, by his attorneys, Milwaukee County Office of Corporation Counsel, by Paul Bargren, Corporation Counsel, and as and for an Answer to Plaintiffs' Amended Complaint, states as follows:

1. Admits that Paragraph 1 provides a summary of the Plaintiffs' causes of action, and otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 1.

2. Admits the allegations of Paragraph 2.

3. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 3.

4. Admits that Wisconsin's bans on marriage for same-sex couples is restrictive; admits that Wisconsin's constitutional amendment bars same-sex couples from marrying; admits that Wisconsin prohibits the extension to same-sex couples of the same legal protections, duties, and benefits that married couples are allowed by law, for no other reason than their sexual orientation and their sex; and lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 4.

5. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 5.

6. Admits Wisconsin's marriage ban deprives the unmarried Plaintiff couples access to the described federal benefits, and lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 6.

7. Admits Wisconsin's marriage ban puts the married Plaintiffs at risk of prosecution under Wis. Stat. § 765.30(1), and lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 7.

8. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 8.

9. Admits that Paragraph 9 provides a summary of the remedies sought by Plaintiffs, and otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 9.

10. Admits this Court has jurisdiction

11. Admits venue is proper in this District.

12. – 25. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraphs 12 through 25.

26. Admits the allegations of Paragraph 26, and further alleges that as County Clerk, under present Wisconsin law, this Defendant has no authority to issue a marriage license to a same-sex couple.

27. –106. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 27 through 106.

107. Admits the allegations of Paragraph 107.

108. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of the first sentence of Paragraph 108, and admits the remaining allegations of Paragraph 108.

109. – 114. Admits the statutory and case law provisions cited in Paragraphs 109 through 114 speak for themselves and denies any inconsistent allegations.

115. – 119. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraphs 115 through 119.

120. Admits that Wisconsin's exclusion of same-sex couple from marriage does not serve any compelling, important or legitimate government interest.

121. – 125. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph s 121 through 125.

126. Repeats the responses to Paragraphs 1 through 125 as if fully set forth herein.

127. Admits Amendment XIV speaks for itself and denies inconsistent allegations.

128. – 131. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraphs 128 through 131.

132. Repeats the responses to Paragraphs 1 through 125 as if fully set forth herein.

133. Admits Amendment XIV speaks for itself and denies inconsistent allegations.

134. – 137. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraphs 134 through 137.

138. Repeats the responses to Paragraphs 1 through 125 as if fully set forth herein.

139. Admits Amendment XIV speaks for itself and denies inconsistent allegations.

140. – 144. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraphs 140 through 144.

Prayer for Relief

WHEREFORE, Defendant Joseph Czarnezki, in his official capacity as Milwaukee County Clerk, requests that this Court enter judgment:

a) Declaring that any and all Wisconsin constitutional, statutory or municipal provisions operating as a ban on marriage for same-sex couples violate the guarantees of due process and equal protection found in the United States Constitution;

b) Declaring that this Defendant, in his official capacity as Milwaukee County Clerk, is authorized and empowered to issue marriage licenses to all couples, whether or not same-sex couples, who are otherwise qualified to receive a license under Wisconsin law;

- c) Without costs, expenses or fees to any party; and
- d) Awarding such other relief as may be deemed equitable or appropriate by the Court.

Dated at Milwaukee, Wisconsin this 20th day of March, 2014.

Milwaukee County Corporation Counsel

By: /s/ Paul Bargren
PAUL BARGREN
Corporation Counsel
State Bar No. 1023008

P.O. Mailing Address:

Milwaukee County Courthouse
901 North 9th Street, Room 303
Milwaukee, WI 53233
Telephone: (414) 278-4300
Facsimile: (414) 223-1249
Email: Paul.Bargren@milwaukeecountywi.gov